

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 129

In the Matter of O.H.W.

State of North Dakota,

Petitioner and Appellee

v.

O.H.W.,

Respondent and Appellant

No. 20210006

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Stephannie N. Stiel, Judge.

AFFIRMED.

Per Curiam.

Renata J. Olafson Selzer, Assistant State's Attorney, Fargo, ND, for petitioner
and appellee.

Tyler J. Morrow, Grand Forks, ND, for respondent and appellant.

**Matter of O.H.W.
No. 20210006**

Per Curiam.

[¶1] O.H.W. appeals from the district court's order denying his application for discharge from civil commitment as a sexually dangerous individual. He argues the court's finding that he has serious difficulty controlling his behavior is not supported by clear and convincing evidence. Under our modified clearly erroneous standard of review, clear and convincing evidence exists for the court's finding O.H.W. has serious difficulty controlling his behavior. The finding is not clearly erroneous. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Jerod E. Tufte
Lee A. Christofferson, S.J.

[¶3] The Honorable Lee A. Christofferson, S.J., sitting in place of McEvers, J., disqualified.